(735) XIV/392

Act. of the governor general of India in Council 1848 with an index.

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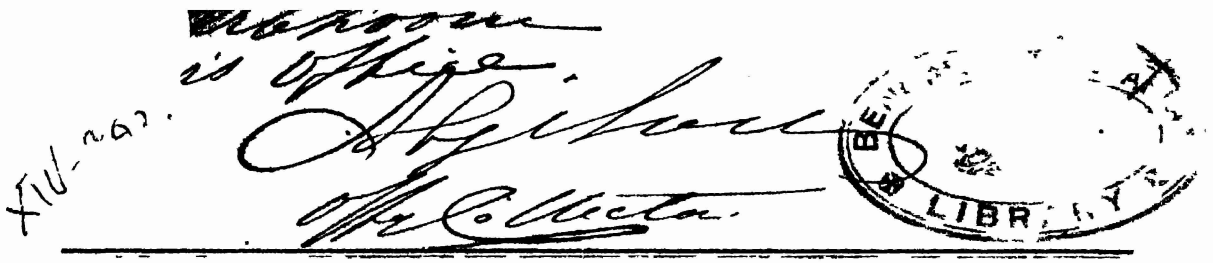

ACT No. I. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 22d January, 1848.

An Act for to regulate the proceedings in certain Cases of Forgery.

IT is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section I. of this Act,

Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses, who have given such evidence to appear before the Magistrate, who shall thereupon receive such charge and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII. of 1817, of the said Code, in Zillah and City Judges, of committing persons chargeable with Perjury or Subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or Subornation of Perjury any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. II. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

WHEREAS by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses should, together with such monies as the Government of Bengal, with the sanction of the Governor General in Council, might direct to be paid over to the Commissioners for the Improvement of the Town of Calcutta therein aforesaid, be applied by them to the following purposes, viz.

Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

Opening of Streets and Squares in crowded parts of the Town.

Filling

Filling up Stagnant Pools of Water and removing obstructions to the free circulation of air.

Lighting and Watering the Roads and Streets.

Cleansing and repairing the same and the drains of the said Town.

And improving and embellishing the said Town generally.

And whereas for the effectual accomplishment of the purposes aforesaid it is expedient that the said Commissioners should be empowered to appoint a Clerk and a Surveyor and other necessary Officers, and that the said Commissioners and their said Clerk, and their said Surveyor and other Officers should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their Surveyor and Clerk and other necessary Officers, who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that for the purpose of constructing one or more Aqueducts for bringing pure and wholesome water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an Aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Clerk to the Commissioners with such Assistants as they may require, to exercise in the construction of such Aqueduct, throughout the line of country through which such Aqueduct is to run, all the powers which

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by this Act it is lawful for them to exercise within the said Local limits, and which may be necessary for the construction of such Aqueduct without being subject to any action or molestation whatever for so doing. And it shall also be lawful for any Magistrate of any district through which the said Aqueduct is to run, in furtherance of the construction of such Aqueduct, to do such acts, and he is hereby required to do such acts as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, and as he is by this Act required to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners instead of executing any of the works which by this Act they are authorized to execute, by themselves, their Servants and Assistants, to execute the same by contract with any individual or Company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such Company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act any house, building or other hereditament shall be damaged or otherwise prejudicially affected, the said Commissioners shall make good such damage and pay to the Owner and Occupier of such house, building or other hereditament such amount of compensation for such injury as shall be agreed upon between such Owner and Occupier, and the said Commissioners, and if such Owner or Occupier, and the said Commissioners cannot agree as to the amount of such compensation and the proportions thereof to be paid to such Owner and Occupier respectively then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to shall be settled and recovered by arbitration or the verdict of a

Jury

Jury to be summoned and returned in the manner provided in Act No. XXII. of 1847, entitled an Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847, to purchase real or personal property for the Improvement of the Town of Calcutta.

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners or any Clerk, or Surveyor or other Officer, or any workman, or other person employed by them, or any person or Company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or any thing which they are respectively required or authorized to do by virtue, or in consequence of this Act, every such person so offending shall for every such offence on conviction before a Magistrate, forfeit and pay any sum not exceeding Fifty Rupees.

VI. And it is enacted, that every Commissioner and the Surveyor, and Clerk to the Commissioners, with such Assistants as they may require, shall for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his subordinate Officers to enter into and upon any land or tenement, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided that none of the persons abovementioned shall enter upon any lands or tenements which may be occupied at the time unless with the consent of the Occupier thereof, without previously giving the said Occupier reasonable notice of his or their intention to do so.

VII. And

VII. And it is enacted, that the management and control over all and every of the streets, public ways and public thoroughfares of every kind and description within the said Town of Calcutta existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, public ways or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways and public thoroughfares by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, shall be the property of, and are hereby vested in the said Commissioners as Trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners with the consent and approbation of the Government of Bengal to pave and water such of the streets, public ways and public thoroughfares existing in the said Town at the time of the passing of this Act, or at any future time as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way and public thoroughfare existing in the said Town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up or make any alteration in the pavements, flags or other materials of any foot or carriage way in any street within the said Town without the consent in writing of the said Commissioners, or of their said Surveyor, or shall cause any obstruction to, or make any encroachment upon any street in the said Town, any such person so offending shall for every such offence on conviction before a Magistrate forfeit and pay a sum not exceeding Fifty Rupees.

XI. And

XI. And whereas it is essential to the health and convenience of the inhabitants that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances where such do not at present exist so as to perforate the mass of buildings within the said Town in straight lines as nearly as may be from South to North, and from East to West, crossing each other at right angles, and from South East to North West and from South West to North East, crossing the straight lines abovementioned diagonally with large open spaces forming squares or circles at convenient and suitable distances from whence the said streets may conveniently diverge in lines without interruption to the river and to the open country without the said Town so far as the completion of such plan may be practicable and where not entirely practicable upon a plan as nearly approaching to such plan as may be: And whereas it is also expedient and necessary that the narrow lanes and gullys which compose the greater part of the said Town inhabited by the Native inhabitants should be converted into such straight and spacious streets and thoroughfares formed as abovementioned due regard being had to the compensation of Owners of houses, buildings and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid:

It is enacted, that as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local Surveyor and by other competent Surveyors, shewing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which in their opinion shall be the most suitable for carrying into effect the abovementioned objects, keeping in view the salubrity of the said Town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together

gether with estimates of the expense of the necessary works and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes, and the said Commissioners shall select from the plans which shall be so furnished to them the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal, the said plan and the resolution of the Commissioners thereupon for the consideration of the said Governor of Bengal, and upon the said Governor signifying through the said Secretary by writing, signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution will allow, in conjunction with the other improvements contemplated by this Act, and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same or any other competent Surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from time to time until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the said Commissioners as aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to and having been approved by the said Governor as aforesaid, the said Commissioners shall proceed in conformity, with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings and grounds as it may be necessary to purchase for the execution of such plan, and shall upon such purchase being completed give orders to their said

local

local Surveyor to proceed with the said works without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said Town to make provision for the effectual sewerage and drainage of the same:

It is enacted, that as soon as conveniently may be after the passing of this Act the said Commissioners shall cause their said Surveyor to make a careful survey of the whole of the said Town, and in an accurate and distinct report to be framed by him to state what in his opinion are the defects of such sewerage, works and drains as shall at that time exist therein, and what alterations of the same, and what new main and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said Town, and what reservoirs, engines, sluices, penstocks and other works are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said Town should be supplied with good and wholesome water for drinking and for domestic purposes to the utmost extent that the local and other circumstances of the said Town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; and whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said Surveyor to report upon the existing supplies of water in the said Town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said Surveyor shall recommend in future to be supplied, and with a view to test the accuracy of his report upon this latter subject the said Commissioners shall cause such water or waters to be analysed and reported on by competent Chemists and Medical men, and the said Surveyor shall also state in his report from what point on the River Hooghly, North of Calcutta, water in sufficient quantity can be conveyed into the Town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes and other works, and of what respective dimensions are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And for carrying into effect the purposes aforesaid it is enacted, that all sewers and drains, together with all buildings and other works, materials and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected existing in the said Town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein whether constructed at the cost of the said Commissioners or otherwise,

and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in the said Commissioners as such Trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water pipes as shall in the opinion of the said Commissioners be necessary and proper for the effectual draining and cleansing of the whole of the Town aforesaid, and for the properly flushing and cleansing out such sewers in and under or across all or any of the streets and ways whether dedicated to the public use or not, roads and other places within the said Town, and if needful through and across all under ground cellars and vaults which they may find under any of the said streets, ways, roads or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built adjoining or near thereto into any of the said sewers as the said Commissioners shall think fit necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry or continue the same in, into or through any enclosed lands or other place not being a public way, it shall be lawful for the said Commissioners to build, carry or continue the same in, into or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise as they shall deem most expedient, but so that the same

shall

shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners and of their Surveyor and Officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers within the said Town as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall from any cause whatever appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners if they shall think fit so to do to take up, stop, fill in and discontinue such old sewers in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that before beginning to dig or lay the foundations of any new house within the said Town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Clerk to the said Commissioners by delivering the same to him, or leaving it at his office by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said Surveyor of the

the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said Surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be relaid, amended or remade as the case may require, and to cause the expenses thereof to be levied and repaid to them from and by the Owner thereof in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required unless the said Commissioners shall consent and agree which they are hereby authorized to do to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall for every such offence forfeit and pay on conviction before a Magistrate a sum not exceeding Fifty Rupees.

XX. And

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the Surveyor of the said Commissioners, it is enacted that it shall be lawful for the said Commissioners to contract and agree with the Owners of any houses or other tenements within the said Town, that any drains required to be made by such Owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said Surveyor of the said Commissioners) shall be repaid by such Owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XXI. And whereas the noxious effluvia exhaling from gully holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof to obviate the same, it is enacted, that the said Commissioners and the Owners of any private drains in the Town aforesaid, shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose effectually prevent the effluvia of sewers and drains from exhaling from gully holes, gratings or any other openings whatsoever of drains or sewers in streets or other places, and in case the Owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling, and if the same shall not be effectually done by such Owner within ten days after such notice shall have been given him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid so as effectually to prevent such effluvia from exhaling and the expense incurred thereby shall be paid by the Owner of such sewer or drain to be recovered in manner hereinafter mentioned.

XXII. And

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said Surveyor, and they and he are hereby required when any of the streets, public ways or public thoroughfares, vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair to take proper precautions against danger by shoreing up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed such, and so many bars, chains or posts across, or in any of the said streets, public ways or public thoroughfares to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses during the time of such works and repairs being carried on, as shall be necessary and proper, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night to prevent accidents, and if any person shall take down, alter or remove any of the said bars, chains or posts, or extinguish any light attached to or connected with the said bars, chains or posts without the authority or consent of the Surveyor of the said Commissioners, every such person so offending shall for every such offence forfeit and pay on conviction before a Magistrate any sum not exceeding Fifty Rupees.

XXIII. And it is enacted, that the said Commissioners shall with a due regard to the convenience and the preservation of the health of the inhabitants of the said Town give strict orders to their said Surveyor to cause, and their said Surveyor shall duly cause all the streets, ways, thoroughfares and alleys thereof whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon to be collected and removed therefrom, and all the soil, ashes, rubbish and filth to be taken and carried away from the houses and premises of the inhabitants of the said Town at convenient

convenient hours and times, and shall cause all or any of the privies and cesspools within the said Town to be cleansed and emptied in a sufficient and proper manner as shall be required, and that the said Surveyor shall from time to time give public notice on what days, at what times in every week the said streets, public ways and public thoróughfares shall be swept and cleansed, and such dirt, dust and night soil, rubbish, filth and ashes carried away, and how and in what manner the same shall be carried away and where the same shall be deposited, and shall give such orders and directions as to the said Surveyor acting under the orders and control of the said Commissioners shall appear proper and necessary, and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night soil and filth to be so collected from the said streets, thoroughfares, alleys, footways, privies, sewers and cesspools, and all the dust, ashes and rubbish to be collected, taken and carried away from all and every of the houses and elsewhere within the said Town shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same through their said Clerk or Surveyor for the purpose of this Act as they shall think proper, and the money arising from the sale thereof shall be applied for the purpose of this Act, and the person purchasing the same shall have full power and authority to take, carry away and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners for the purpose of watering the said streets, public ways and public thoroughfares in the said Town to sink wells, and lay, erect and place pipes, conduits and pumps in any of the said streets, public ways or public thoroughfares, and to provide any other apparatus proper for that

that purpose, and to remove and alter the same when and as the said Commissioners shall think proper, and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks or sufficient runs of water through the said Town for the inhabitants to bathe in at suitable and proper times and in suitable and proper places as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such Bye-laws as they shall think fit for all or any of the purposes following, that is to say,

For preventing nuisances in any streets or near thereto and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every twenty-four hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For

For making regulations to prevent persons bathing and washing their bodies in tanks and water-courses provided for the domestic uses of the inhabitants of the said Town and to limit the hours of bathing in the tanks and water-courses provided for the purpose of bathing in such manner as shall appear to the said Commissioners necessary to the health, cleanliness and comfort of the labouring population.

For enforcing upon the inhabitants of the said Town the performance of such acts and the abstinence from such acts as an enlightened regard to the health, cleanliness and decency of the said Town ought to induce them to perform and to abstain from due consideration being had for the feelings, manners and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such Bye-laws. Provided always, that no such last mentioned penalty shall exceed for any one offence the sum of Fifty Rupees, nor in case of continuing nuisance the sum of Five Rupees for every day during which such nuisance shall be continued and unremedied

XXVII. And it is enacted, that no Bye-law made under the powers for that purpose herein last contained shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal and his approbation thereof, and that of the Governor General in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of forty days after the same Bye-law shall have been published once in two of the Calcutta Newspapers, and a copy of such Bye-laws with a declaration thereon, signed by the Clerk to the said Commissioners that the same has been approved

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by the said Governor and published in two Newspapers as aforesaid with the date of such publication, shall be received as evidence of such Bye-law, and of the approval and publishing thereof as aforesaid in all Courts of Law and Equity and before all Magistrates.

XXVIII. And it is enacted, that all Bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the Office of the Clerk of the said Commissioners, and copies thereof shall be delivered to any person who may apply for the same on payment of such sum as the said Commissioners shall think it not exceeding Four Annas.

XXIX. And it is enacted, that all the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction shall be taken to apply to all offences committed in breach of any Bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever, which shall be permitted or suffered within the said Town, and to order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take, or carry away, or wilfully deface or injure any property, articles or thing belonging to the said Commissioners, and in every such

case

case it shall be sufficient to state generally the property, article or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed and adjudged to be a nuisance at Common Law, nor to exempt any person guilty of a nuisance at Common Law from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered with the consent and approbation of the said Governor and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said Town or any part thereof with water for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any water-works, streams of waters, lands, tenements, easements, hereditaments, fixtures, machinery or other property, or to take a lease thereof for any term of years and subject to such conditions as shall be agreed upon between the parties, and also with the like consent and approbation to grant to any person or persons contracting to supply the said Town or any part thereof, with water, a lease for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges and advantages belonging to or acquired by or which

which may belong to, or be acquired by or be vested in the said Commissioners under any of the powers or authorities in this Act contained so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever unless the said Governor's approval of the same shall be testified by writing endorsed on such lease or contract under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous for the purpose of carrying into execution any plan or mode of supplying water to the said Town that the said Commissioners should avail themselves of any of the powers in this Act contained which authorize the said Commissioners or their Lessees to take or enter upon lands without the consent of the Owners and Occupiers thereof for the purpose of constructing, improving or enlarging any water-works, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared on a scale of not less than one inch to one hundred feet describing the sources from which any supplies of water are intended to be procured, the situation of the intended water-works and the line and course of any intended aqueducts, conduits, tunnels, pipes or other channels for conveying water to or from the said intended source of supply and the lands through which the same respectively are intended to be carried, together with a book of reference containing the names of the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers respectively of any lands intended to be taken for the purpose

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of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels or water-works through the same, and one copy of such plan and book of reference shall be deposited in the Office of the Clerk to the said Commissioners and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said Surveyor of the said Commissioners, and notice of such intended works and of the place in which such plan is deposited shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the above purposes, through which it is intended to carry any tunnels, pipes, conduits or other works, or to such of the said parties as shall after diligent enquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta Newspapers at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one Calendar month from the date of the last publication of such notice the said Surveyor shall give notice by publication in such Newspapers in manner aforesaid that he will within one week from the date of the last of such publications attend upon such lands and point out to such as may meet him there and desire to be informed thereof the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks and water-works, and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same and all persons who shall deem themselves interested in the matter or likely to be aggrieved thereby shall be entitled to be heard by themselves, their Counsel, Attornies or Agents, and to adduce such witnesses as they may think necessary before the said Commissioners, and the said Commissioners shall report the evidence taken before them, and the plans and book of reference and the report of the said Surveyor, together with their opinion thereon

to the said Governor and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them without the consent of the Owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice and not inconsistent with the objects of this Act, and when and so soon as the said Governor, if he shall so determine shall signify his approval thereof to be testified under the hand of the said Secretary in manner aforesaid then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter or discontinue such water-works, steam engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said Town.

XXXVII. Provided always, and it is enacted, that the said Commissioners in erecting and making the said water-works and the said reservoirs, cuts, channels, aqueducts, tunnels or other works upon lands taken under the compulsory powers hereinbefore contained shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference without his previous consent in writing unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake and that such deviation ought to be allowed shall be certified under the hand of such Surveyor.

XXXVIII. Provided

XXXVIII. Provided also and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their Lessees by virtue of the compulsory powers of purchase hereinbefore contained except in the case of any land expressly taken for forming any reservoir or erecting any steam engine or other works thereon to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts or tunnels are intended or may be required to be laid than a right of laying the said pipes, culverts, aqueducts or tunnels therein, and of entering thereon from time to time when requisite to renew, amend, repair and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of one hundred yards of the works by this Act authorized to be made or any part thereof, and not being a garden, orchard, plantation or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands or any part thereof any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit, that the said Commissioners doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the Owners and Occupiers thereof from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done by the said Commissioners or other Officers, and making compensation to the Owners, also for the permanent injury (if any) to such lands, and in case the parties differ respecting the amount of the compensation or the respective shares of several claimants of compensation, then and in every such case the said

dispute

disputes respectively shall be settled and adjusted by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works the said Commissioners shall and they are hereby required to give fourteen days' notice of such their intention to the Owners and Occupiers of such lands, and to separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XLI. Provided always, and it is enacted, that the said Commissioners before entering any such adjoining lands for the purposes aforesaid, shall, if required by the Owners or Occupiers of such lands agree with such Owners or Occupiers for the payment of a certain and fixed annual rent in respect thereof during the continuance of such temporary occupation, and the amount of such rent in case the parties differ shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLII. And it is enacted, that the said Commissioners shall and they are hereby required in forming any reservoir or works hereby authorized to be made, and any tunnels or water-courses therein or leading thereto at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains and channels shall and may be taken away or interrupted, injured or rendered inconvenient or useless by

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reason of the making of the said reservoirs or other works, and in case of any difference arising between the said Commissioners and the Owners of such adjoining lands such difference shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their Officers, or by any other person, they shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and make good the pavement and soil, and the sewer or drain so opened or broken up and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded and shall set up and maintain upon and against the part of the said pavement or soil so broken up or opened a sufficient light during every night whilst such pavement or soil be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits and other water-works used for the gratuitous supply of water to the inhabitants of the said Town shall be continued, maintained and supplied with water by the said Commissioners, and shall be vested in them and be under their management and control, and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other water-works for the supply of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses as they shall see fit, or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use but not for

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sale, and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes as settled and arranged by the said Surveyor to the Owner or Occupier of any dwelling house rated to the rate hereinafter mentioned, it shall be lawful for such Owner or Occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter for every two days in succession during which such neglect or refusal shall continue after notice in writing shall have been given to the Clerk of the said Commissioners of the want of such supply unless the want of such supply shall arise from great drought or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners for the domestic use of the inhabitants of the said Town pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences shall for every such offence forfeit and pay on summary conviction before a Magistrate a sum not exceeding Fifty Rupees.

1. Every person who shall bathe in any reservoir, aqueduct or other water-works belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said Town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put or cast any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct or other water-works as aforesaid, or shall wash

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or cleanse therein any wool, leather or skin of any animal, or other foul or offensive matter or thing.

3. Every person who shall cause or permit the water of any sink, sewer or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him to run drain or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes or other water-works, belonging to the said Commissioners, or who shall commit or cause any other act whatsoever, whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said Town as the said Commissioners on the report of their said Surveyor shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare and light the same, and shall also from time to time as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps as shall become broken or unfit for use so that all the streets of the said Town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit and proper and necessary, and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks, of each and every of the said lamps and of lighting and keeping lighted the same during such hours as aforesaid shall be borne and paid by the said Commissioners.

XLVIII. And

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface or disturb any of the said lamps or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof without the order of the said Commissioners, or of their said Surveyor, shall forfeit and pay on conviction before a Magistrate for every such offence any sum not exceeding Fifty Rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action by leave of the Court, where such action shall be pending at any time before issue joined to pay into Court such some of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

L. And it is enacted, that in all cases where any damage, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount in case of dispute, shall be ascertained and determined by arbitration in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators or the arbitrators fail to pronounce their award as aforesaid then by any two Magistrates of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action

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of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any Bye-laws of the said Commissioners affecting other persons than Officers or Servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be printed on a board or printed upon paper and pasted thereon in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Clerk of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding Fifty Rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any Bye-law made in pursuance thereof, the recovery of which is not otherwise provided for may be recovered by summary proceeding before any Magistrate of Calcutta, and on complaint being made to any such Magistrate, he shall issue his summons requiring

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the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against or in his absence after proof of the due service of such summons, it shall be lawful for such magistrate to proceed to the hearing of the complaint which complaint shall be reduced to writing, and upon proof of the offence either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Magistrate to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such Magistrate or Assistant Magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act or in Act No. XVI. of 1847, any sum of money whether in the nature of penalty or otherwise is directed to be levied by distress, such sum of money shall be levied by distress and sale of the Goods and Chattels of the party liable to pay the same, and the overplus arising from such Goods and Chattels after satisfying such sum of money, and the expenses of the distress and sale shall be returned on demand to the party whose Goods shall have been destrained.

LV. And it is enacted, that no distress levied by virtue of this Act, or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser ab initio on acccount of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and

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shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the Magistrate by whom any such penalty or forfeiture shall be imposed may when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Clerk of the said Commissioners for that purpose whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act, for any offence complained of before a Magistrate, unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And it is enacted, that it shall be lawful for any Magistrate to summon any person to appear before him as a witness in any matter in which

which such Magistrate shall have jurisdiction under the provisions of this Act at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter, and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Magistrate or Assistant Magistrate, every such person shall for every such offence forfeit and pay a sum not exceeding Fifty Rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847, and No. XXII. of 1847, and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, words importing the masculine gender only shall include females unless the word male is used. The word "person" shall include corporations whether aggregate or sole. The words "Oath," "Affirmation" and "Solemn Affirmation" when used alone shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "Street" shall include any square, circus, street, court, alley, footpath, highway, lane road, thoroughfare, public passage or other public place within the said Town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. III. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th February, 1848.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India: –

It is hereby declared and enacted, that the word "Thug" when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing or the offence of

of Robbery not amounting to Dacoity. And that the word "Thuggee" when used in such Acts shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee" when used in such Acts shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing or such Robbery by a Thug.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IV. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act for regulating Coroner's Juries.

IT is hereby enacted, that from and after the First day of May, 1848, on all Inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be to all intents and purposes as good, valid and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall

shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by any Inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such Inquisition shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of

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any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras and Bombay from time to time to appoint by writing under his hand and seal a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner under

under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. V. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 4th of March, 1848.

An Act to amend the Law regarding the taking of Mochulkas or Penal Recognizances.

I. IT is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochulkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace

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in addition to the recognizance of the party, it shall be lawful for such Magistrates to direct the same and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the Magistrate shall record his opinion to that effect with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them and calling for any further information which he may think necessary, shall pass orders on the case confirming, modifying or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided

VI. Provided always and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the Provisions contained in Sections V. VI. and VII., of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

VIII. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that whenever it may he proved before the Magistrate that any such recognizance has been forfeited if a security bond shall have been taken and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to shew cause why it should not be paid, and if no sufficient cause shall be shewn, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal all Mochulkas and Security Bonds which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections VIII. and IX. of this Act.

FORM OF MOCHULKA.

Whereas I inhabitant of have been called upon to enter into a Mochulka to keep the peace for the term of I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein I bind myself to forfeit to Government the sum of Rupees dated

FORM OF SECURITY.

Whereas inhabitant of has been called upon to give security to keep the peace for the term of I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees dated

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 4th March, 1848.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. IT is hereby enacted, that from and after the Twenty-fifth day of March 1848, all Goods imported on Foreign Bottoms by Sea into any Port of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay shall be charged only with the same rates of duty as such goods would now by Law be charged with if such goods were imported into any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day all Goods exported on Foreign Bottoms by Sea, from any Port of the said Presidencies, shall be charged only with the same rates of duty as such goods

goods would now by law be charged with if such goods were exported from any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any Goods lawfully carried from any Port in the Territories subject to the Government of the East India Company to any other Port in the said Territories, any thing in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 25th of March, 1848.

An Act to except certain free Ports from the operation of Section III., Act No. VI. of 1848, *and otherwise to amend that Act.*

I. IN modification of Section III., Act No. VI. of 1848, it is hereby enacted, that the provisions of the said Section shall not apply to Goods exported from any part of the Territories subject to the Government of the East India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim Provinces, or to any of the ports in the Province of Arracan, nor to Goods imported from any of those ports into any port of the said Territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of Goods from any port in the Territories, subject to the Government of the East India Company to any other port in the said Territories, to which the operation of Section III., Act No. VI. of 1848, may extend.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

To modify the provisions of Sections 9, 10, 11 *and* 13 *of Regulation V.* 1812, *of the Bengal Code.*

IT is hereby enacted, in modification of the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812 of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the Maal Cutcherry of such land, or other conspicuous place thereon or at the village Chouree, Choupal, or other conspicuous place in the village.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

BENGAL SECRETARIAT LIBRARY

ACT No. IX. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

An Act to repeal Acts No. XII. of 1839 *and No. XII. of* 1840, *and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same.*

I. IT is hereby enacted, that from and after the First day of January 1849, Act No. XII. of 1839 and Act No. XII. of 1840, are repealed.

II. And it is hereby enacted, that from the said First day of January 1849 an Assessment at a rate not exceeding ten per cent., to be fixed from time to time, as he shall think fit, by the Chief Civil Authority within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, shall be levied every half-year in advance on the actual or estimated rents of all Houses, Shops and other Buildings situated within the said Settlement and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the Tenant or Tenants, or Occupier or Occupiers of such Houses, Shops and other Buildings at the time of such Assessment. Provided always, that the several Houses

or Buildings specified in Schedule A hereunto annexed, shall be exempted from Assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid an Assessment at a rate not exceeding five per cent., to be fixed from time to time as he shall see fit by the said Chief Civil Authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said Settlement, dependencies and places held, possessed, or used for purposes of agriculture or cultivation of any description whatsoever. Provided always, that no Assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of Paddy, Siri, or Vegetables, and lands of which the annual net produce shall be less than Ten Spanish Dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any Assessment under this Act.

IV. And it is hereby enacted, that in order to ascertain the value of the net produce of any such lands for any one year or half-year for the purpose of levying such Assessment the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce and in the manufacture of any such produce (not including either the purchase money of such lands, or the original outlay thereon, or the cost or purchase money of any articles of Machinery used or employed, or of any Buildings erected thereon) shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce whether manufactured or otherwise derived from such lands, and that upon the overplus or net balance value so ascertained the said Assessment shall be levied and paid.

V. And

V. And it is hereby enacted, that in order to facilitate the collecting of Assessment on lands in manner specified in Section IV. of this Act, it shall and may be lawful for the Collector or other Officer appointed in manner hereinafter mentioned to collect the same at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid to require the Owner, Occupier, Agent, Superintendent or other person in charge of any such lands to furnish him either annually or half yearly in writing under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce of what nature and kindsoever yielded by the said land or manufactured therefrom during either of the said periods, and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land and in the preparation or manufacture of the produce thereof during the like periods, which said statements shall be verified by oath or affirmation to be made by such person or persons before one of Her Majesty's Justices of the Peace at such Station (who is hereby authorized and required to administer the same) if thereto required by the said Collector or other Officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall on conviction thereof before the Court of Quarter Session at such Station, be liable to pay a fine not exceeding Two Hundred Spanish Dollars, and in default of payment thereof to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a Tax shall be levied half-yearly in advance on all Carriages, Waggons, Carts, Horses, Mules and Elephants in use or kept within the said Settlement, dependencies and places to be charged on the Owner or Owners, or where the Owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say: On every four or three wheeled Carriage, per annum,... 10 Sp. Drs.

On

On every two wheeled Carriage, per annum, ...	8	Sp.	Drs.
On every Waggon drawn by man or beast per annum,...	8	,,	,,
On every Cart drawn by any description of Cattle, per annum, ...	6	,,	,,
On every Cart drawn by man, per annum, ...	4	,,	,,
On every Horse or Mule, per annum, ...	2	,,	,,
On every Elephant, per annum, ...	12	,,	,,

and that if the payment of any such Tax shall not be duly made it shall be lawful for any Justice of the Peace upon being satisfied that due diligence has been used to obtain payment, to issue his Warrant for levying the amount of such Tax by seizing and selling the Goods and Chattels of the person or persons so charged with the payment of such Tax and so making default. Provided always, that the several vehicles and animals, specified in Schedule B hereunto annexed, shall be exempted from the payment of any Tax under this Act.

VII. And it is hereby enacted, that the Chief Civil Authority of the said Settlement shall have power to appoint a Collector or Collectors, or such other Officer or Officers as may be deemed requisite for the collection of the Assessment and Taxes leviable under this Act at the several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that in any case where payment shall not be duly made of any Assessment charged and demanded under authority of this Act, the Collector or other Officer appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his Warrant for levying the amount of such Assessment by seizure and sale of any Goods and Chattels and growing Crops whatsoever and

to whomsoever belonging in or upon the Houses, Shops or other Buildings, or in or upon the lands respectively charged, and the overplus if any, after deducting the expences of such seizure and sale, shall be paid to the Owner or Owners of the Goods, Chattels, or growing Crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the Collector or other Officer appointed to collect the aforesaid Assessment and Taxes at the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by Warrant of Distress as aforesaid, to sue in his name for the recovery of any arrears through any Court of Justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the Court of Quarter Session of the said Settlement shall have power to hear and determine in such manner as to the said Court shall seem just all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any Assessment or Tax leviable under this Act whether on the ground of surcharge or otherwise, provided always, that before any application for any such appeal shall be entertained by the said Court the party or parties making the same shall first pay the amount of the Assessment or Tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the Collector or other Officer by whom such Assessment or Tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said Court of Quarter Session unless the same shall have been made and prosecuted within three months from the time of payment of the amount of Assessment or Tax demanded and delivery of such notice to the Collector or other Officer aforesaid.

XII. And

XII. And it is hereby enacted, that the monies collected from the Assessment and Taxes leviable under this Act at the said several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund," and that the same or so much thereof as shall be required shall be applied in manner hereinafter mentioned, towards the payment and maintenance of an efficient Police and of an Establishment for the collection of the said Assessment and Taxes at each of the said Stations, dependencies and places; and also towards the efficient watching, repairing, renewing, cleansing, draining and keeping in repair the public Roads and Streets and all other public thoroughfares in Town and Country at each of the said Stations, dependencies and places; and also towards the repairing, renewing, building, rebuilding, cleansing and securely upholding all public Bridges, Jetties, Quays, Aqueducts, Canals, Sluices, Sewers and Sluice-gates made for or in the occupation or use of the public at the said Stations, dependencies and places either made, commenced or hereafter to be made; and also towards the lighting of the said public Streets and Bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said Settlement, dependencies and places. Provided always, that all Roads, Streets and Bridges leading to and terminating at any Government House and other Building belonging to Government, or any Military Post, Barracks or Cantonment, or any Hospital, Poor House, Sailor's Home or other Benevolent or Charitable Institution under the patronage of Government, or any place of Public Worship shall be deemed to be Public Roads, Streets and Bridges within the meaning of this Act.

XIII. And whereas it is desirable, that a certain number of the Rate-payers of the said Settlement should from time to time be appointed to assist the Government in the management of the said Municipal Fund, as well as in the performance of other Municipal Acts hereinafter mentioned: It is hereby enacted, that it shall be lawful for the Chief Civil Authority

Authority of the said Settlement for the time being, from time to time, to nominate and appoint at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, a Municipal Committee to consist of five resident Rate-payers, of whom two shall be Officers of the local Government, and in case it shall be found impracticable from refusal to act, to obtain at either of the said Stations a sufficient number of unofficial persons to compose such Committee, it shall be competent for the said Chief Civil Authority to nominate and appoint a Committee of three resident Rate-payers instead of five; and that it shall be competent for the said Municipal Committee in conjunction with the said Chief Civil Authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in Section XII. of this Act for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all Bills and Charges for the same. Provided, nevertheless, that it shall be competent for the said Chief Civil Authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said Municipal Committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

XIV. And it is hereby enacted, that the said Municipal Committee shall have power to make Rules and Regulations, subject to the approval of the said Chief Civil Authority, for more fully and effectually carrying out and performing the objects and purposes specified in Sections XII. and XIII. of this Act, and to alter or amend the same from time to time as may be necessary subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the Collector or other Officer

Officer appointed to collect the Assessment and Taxes under this Act at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed Statement of the said Municipal Fund exhibiting the sums collected under the respective heads of Assessment, Taxes or otherwise during the preceding year, and shewing also the disbursements which have been made during the same period, and that the said statement shall be published at the Station to which it relates in a Newspaper, and if such Station shall have no Newspaper then the publication shall be made in some Newspaper at any of the other Stations ; and the said statement shall also be open to general inspection at the Office of such Collector or other Officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officer Superintending the Police at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall between the 1st and 15th day of January in every year, require the Owners of all Palanquin Carriages, Carts, and other Vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods to enter such Palanquin Carriages, Carts and other Vehicles, in a Register to be kept for that purpose at the Police Office of such Station. And every Owner of a Palanquin Carriage, Cart or other Vehicle subject to such registration who shall omit or refuse to enter such Vehicle at the Police Office in manner aforesaid, shall on conviction before a Justice of the Peace, pay for each offence a fine not exceeding Twenty Spanish Dollars, with costs of prosecution to be recoverable on non-payment by Warrant of Distress and sale under the hand of the convicting Justice of the Peace, and the overplus, if any, of the Goods and Chattels sold shall be paid to such Owner or Owners.

XVII. And it is hereby enacted, that every Owner of a registered Palanquin Carriage, Cart or other Vehicle who shall neglect to place in a conspicuous part of such Vehicle a numbered board which shall be furnished

furnished to him by the Registering Officer, shall on conviction before a Justice of the Peace, pay a fine not exceeding Five Spanish Dollars for each offence, to be recovered in manner specified in the last foregoing Section.

XVIII. And it is hereby enacted, that all Quarter Session and Police fees, fine, poundage, and forfeitures imposed, levied and paid at each of the said Stations of Prince of Wales' Island, Singapore and Malacca shall be forthwith paid into the said Municipal Fund at such Station in aid of the several purposes specified in Section XII. of this Act.

XIX. And it is hereby enacted, that no Assessment or Charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of any thing chargeable with Assessment or Tax, or any mistake in the amount of Assessment or Tax charged provided the directions of this Act be in substance and effect complied with; and that no proceedings or other matter or thing had or done under this Act shall be quashed or set aside for want of form in any Court or Courts of Justice.

SCHEDULE A.

Referred to in Section II. of this Act.

To be exempted from the payment of Assessment.

PUBLIC BUILDINGS.

Hospitals, Poor Houses, Places of Worship, Charitable and Benevolent Institutions and Schools not used as Private Dwelling Houses,

Convict Lines, Gaols, Barracks or Lines for Soldiers, Police Offices and Thannahs.

PRIVATE BUILDINGS.

Mills, Drying and Boiling Houses, Out Offices and Labourers' Huts belonging and attached to Estates and Plantations; and any Dwelling House, Shop or other Building which shall not have been used or occupied for more than three months in any one year; and any Attap Huts or Sheds belonging and attached exclusively to Vegetable Gardens and Paddy Fields consisting of not more than five acres, and any House or Building of which the annual value or rent shall be less than Six Spanish Dollars if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE B.

Referred to in Section VI. of this Act.

To be exempted from the payment of Taxes.

Waggons and Carts bearing the Owner's name painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggons and Carts being the bonâ fide property of Government, and used in the publie service.

Hearses kept exclusively for the removal of the Dead.

Elephants kept exclusively within Estates or Plantations, and not brought or used upon the public Roads or Bridges.

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ACT No. X. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 8th April, 1848.

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

WHEREAS the State of Mandvee has lapsed to the British Government:—

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. And it is hereby enacted, in modification of Section XXI. Regulation II. of 1827; of Section VI. Regulation XVI. of 1827; and Sections IX., XVI. XXXIV. and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Mandvee:

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

2d. All

2d. All claims against Government on account of Enams.

3d. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and water courses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the Widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Molee Purgunna, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Wusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purgunna belonging to the Raja of Rajpeepla.

On

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowangiah.

1. Kherpor.
2. Kakurwa.
3. Poonah.
4. Oon.
5. Oosked.
6. Umul Saree.
7. Ghorsumba.
8. Gamtulao Boojgur.
9. Godawaree.
10. Boree.
11. Nundpor.
12. Khuralee.
13. Oomersaree, J.
14. Kosarce, J.
15. Kumlapor, J.
16. Vureth.
17. Kakrapar.
18. Bulunga.
19. Peepulwara.
20. Kanaghat.
21. Undhatree.
22. Hureepor.
23. Gangpor Hursud.
24. Dudwara.
25. Berdha.
26. Bhat Khaee.
27. Surkooce.
28. Umulwan.
29. Jetpo.
30. Keodee, E.
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur.
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurunwao.
42. Kheempor.
43. Chandpor, J.
44. Rukhwao.
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.

47. Khurgam.
48. Goondwan.
49. Bulalteeruth.
50. Roondha.
51. Muhoodee.
52. Gangpor Dewah Ranah.
53. Makungur.
54. Deoghuree, J.
55. Limdha.
56. Tarapor.
57. Maldha.
58. Joonwan, J.
59. Keemdoongra.
60. Larkoowa.
61. Choramba, J.
62. Esur.
63. Patawaree.
64. Deoghur.
65. Undharwaree.
66. Kunujwan, J.
67. Dhuj.
68. Dhujamba.
69. Kolkhuree.
70. Looharwur.
71. Bulettee.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.
87. Jhuree.
88. Burtul.
89. Sutwao.
90. Oomurkhuree.
91. Gamtulao Khoord.
92. Tursarah Khoord.
93. Kulumkoowa.
94. Khurera.
95. Foolwaree.
96. Gordha.
97. Veesdaleeya.
98. Vagnera.
99. Guntolce.
100. Roopun.
101. Vularghur.
102. Saluya.
103. Moreetha.
104. Kaleebel.
105. Teetoee.
106. Regama.
107. Dadakooee.
108. Purwut.
109. Khor Amba.
110. Kalmoee.
111. Patul.
112. Kumlasotee.
113. Kolsanoo.

113. Kolsanoo.
114. Tooked.
115. Mudhul Kooee, J.
116. Oontewah.
117. Jhab.
118. Choorel.
119. Kusal.
120. Fulee.
121. Pardee.
122. Ambah.
123. Kurwulee.
124. Boudhan.
125. Muthasroo.
126. Vurelee.
127. Patna.
128. Keodyoon.
129. Peepultha.
130. Tukwarah.
131. Oomerwan.
132. Vurod.
133. Nougamah.
134. Kolakooee.
135. Dhurumpor.
136. Togapor.
137. Oosked.
138. Khanpor.
139. Rohenee.
140. Untrolee.
141. Boreegala.
142. Jhurpun.
143. Ureth.
144. Veghee.
145. Nuryn.
146. Guwachee.
147. Khunjrolee.
148. Khaler.
149. Peepureeya, J.
150. Tursara.
151. Jamunkoowa.
152. Vurjakhund.
153. Jhakla.
154. Beerama.
155. Sadree.
156. Rutuneeya.
157. Vuseegam.
158. Naneecher.
159. Mooteecher.
160. Vanklah.
161. Rajwur.
162. Rajpoora Loombha.

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ACT No. XI. OF 1848.

Passed by the Governor General of India in Council on the 20th of May, 1848.

An Act for the punishment of wandering gangs of Thieves and Robbers.

WHEREAS it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers, It is enacted as follows:

I. Whosoever shall be proved to have belonged either before or after the passing of this Act to any wandering gang of persons, associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the Territories of the East India Company, and

and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

Calcutt, 1848 —Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XII. OF 1848.

Passed by the Governor General of India in Council on the 27th of May 1848.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal, hath been exercised under colour of a Proclamation made by the Vice President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor General of the said Presidency, bearing date the 18th day of March 1802, and of another Proclamation made bythe Governor General of the said Presidency in Council, bearing date the 25th day of September 1813, and of another Proclamation made by the Governor General of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two Proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said Court by the first of the said Proclamations are by the terms of the said third Proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners,

Commissioners, and it is expedient to remove such doubts: And whereas the Rules, Orders and Regulations for the direction of the process and practice of the said Court which have been established in and by the said Court have not been allowed, printed or published as directed by the said first Proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately and to form separate Courts sitting at the same time or at different times, and it is also expedient to establish as well prospectively as retrospectively the legality of that practice,—It is enacted as follows:

I. All proceedings heretofore had or hereafter to be had in pursuance of and in conformity with the said Proclamations, or any of them by the said Commissioners, or any person or persons acting under their authority shall be deemed to have been, and to be, valid in law to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first Proclamation shall extend to and be exercised in respect of and shall be deemed to have heretofore extended to all matters which in and by the several Proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said Court whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests, and such Commissioners

missioners may henceforth sit either altogether or apart, and may hold one Court or two or three separate Courts sitting at the same time or at different times in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said Court shall be deemed to be and to have been from the time of their being first used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of June 1848.

For limiting the time within which a Suit may be brought to contest the awards of the Revenue Authoritics in the Presidency of Bengal.

FOR the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code, It is enacted as follows:

I. No suit shall be entertained in any Court for contesting the justice of any award made before the passing of this Act by the Revenue Authorities under any of the recited Regulations after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIV. OF 1848.

Passed by the Governor General of India in Council on the 17th of June, 1848.

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

WHEREAS doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court under the Charter of that Court to grant a Standing Commission to take Affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires, It is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein empowering him, or them, or any one, or more of them, to take Affidavits and solemn affirmations in any cause, or other proceeding in the said Court now, or hereafter to be depending, or with the intent to institute any proceeding whatever in the said Court.

II. Every

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any) to be received and accounted for in the same manner as in the case of an Affidavit or solemn affirmation made and taken in Court.

III. Every person so making any Affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such Affidavit or solemn affirmation had been made and taken in open Court.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XV. OF 1848.

Passed by the Governor General of India in Council on the 17th June 1848.

An Act to forbid trading by the Officers of the Supreme Courts.

FOR the better discharge of their duties by the Officers of the undermentioned Courts of Justice, It is enacted as follows:

I. No Officer of any of the Courts of Judicature established by Royal Charter, within the Territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said Territories, shall directly or indirectly by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader or as agent, factor, or broker either for his own advantage, or for the advantage of any other person or persons except such dealings as it may be part of the duty of any such Officer by virtue of his office to carry on.

II. This

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors or Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver or Committee, so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for Charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the Territories under the Government of the East India Company, or in such part of the said Territories as shall be specified in the sentence or in the discretion of the Court may be otherwise punished by fine or fine and imprisonment for his misdemeanour as to the Court shall seem fit, regard being had to the nature of his offence.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W Ridsdale

ACT No. XVI. OF 1848.

Passed by the Governor General of India in Council on the 1st of July, 1848.

An Act to remove certain restrictions on the Salt Trade.

WHEREAS the Salt Trade in the North Western Provinces is burdened with unnecessary restrictions, It is enacted as follows:

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.

WHEREAS it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties, It is enacted as follows:

I. Section XVI. and Clause 2, Section LVII. Regulation VI. 1816, and Sections IV. and V. Regulation II. 1834, of the Madras Code, shall be repealed from the First day of September in this year.

II. From and after the said First day of September, so much of Regulation XIII. 1816, and Section VII. Regulation VII. 1818, of the Madras Code, as relates to the levying of Stamp Duties instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

III. Whenever

III. Whenever a suit pending in any Civil Court within the Territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such Certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of the said Stamp Duty; Provided always there be no exception taken to the paper or endorsement thereon.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W Ridsdale.

ACT NO. XVIII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for the Administration of the Estate of the late Nuwab of Surat, and to continue privileges to his family.

WHEREAS it is expedient to provide for the administration of the Estate of the late Nuwab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor; and whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nuwab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nuwab on the 13th May 1800, recognized and confirmed by Clause 2, Section XXI. Regulation II. 1827, and Clause 2, Section I. Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nuwab, and it is deemed expedient that some of the said persons should continue to be privileged, It is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained; such consent to be signified by the signature of

of one of the Secretaries to Government: and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the Estate of the said late Nuwab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nuwab, shall be liable to be questioned in any Court of Law or Equity.

III. The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. 1827 of the Bombay Code, shall be held, in respect to all persons within the provisions of Clause 2, Section XXI. of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late Nuwab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor General of India in Council shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section XXI. Regution II. 1827; provided that such last mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

ACT No. XVIII. OF 1848.

SCHEDULE.

1	Badsah Begum, ...	Widow	Of the late Nuwab.
2	Ameerool Nissa Begum, ...	Widow	
3	Meer Juffer Alie, ...	Son-in-law	
4	Zeeaool Nissa Begum, ...	Granddaughter	
5	Raheemool Nissa Begum, ...	Granddaughter	
6	Meer Moeenoodeen Khan, ..	Buckshee.	
7	Meer Kumroodeen Unlud Shumsooddeen.		

Calcutta, 1848 —Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIX. OF 1848.

Passed by the Governor General of India in Council on the 2d September 1848.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

WHEREAS it has been doubted how far Section V. Regulation IX. 1831 of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV. Act VII. 1843, It is enacted as follows :

I. So much of Section V. Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section XXXV. Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the

the offence as stated in the Abstract Statement or Calendar, shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to Law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of the Court in which the conviction was had to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit call for the whole record of any criminal trial in any subordinate Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

Calcutta, 1848:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT NO. XX. OF 1848.

Passed by the Governor General of India in Council on the 23d September 1848.

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

WHEREAS, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to attend, or to furnish the accounts or documents required, and shall not shew sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond

beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority, It is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not shew sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of fifty Rupees: and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded five hundred Rupees, the Collector shall report the case specially to the Commissioner

Commissioner of Revenue; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W Ridsdale.

ACT No. XXI. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for avoiding Wagers.

WHEREAS it is expedient to discourage gaming and wagering for money, It is enacted as follows:

I. All agreements, whether made in speaking, writing or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other Jurisdiction as of the common Law Jurisdiction of the Court may

may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to simplify Indictments for Forgery.

FOR better avoiding the failure of justice in Criminal proceedings for Forgery, It is enacted as follows:

1. In any information or Indictment laid or brought in the Courts established by Royal Charter, for forging, or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof; but it shall be enough to describe such forged instrument or writing, in such manner as would sustain an indictment for stealing it.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W Ridsdale.

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ACT No. XXIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to amend a Clerical Error in Act No. XXV. of 1840.

FOR remedy of a Clerical Error in Act No. XXV. of 1840, It is enacted as follows:

I. Any person guilty of the offence punishable under Section VII. of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any Magistrate.

Calcutta, 1848:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIV. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXV. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 25th November, 1848.

An Act for Restoration of the Jagheer of Bunganapilly.

WHEREAS by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows:

I. On the First day of January 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials

trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all monies received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and controul of the East India Company over the said district, or of the Sovereign authority of the British Government.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff

ACT No. XXVI. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to extend to the Straits the Act for regulating Coroner's Juries.

WHEREAS it is expedient to extend the operation of Act No. IV. 1848, It is enacted as follows :

I. From the First day of March 1849, Act No. IV. 1848 shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner; and the word Presidency as used in the said Act shall be taken to mean also the Government of the said Settlements.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVII. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to Amend the Act XII. of 1844.

WHEREAS it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, And whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, It is enacted as follows:

I. From and after the First day of February 1849 the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be observed and put in execution in manner hereinafter mentioned in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

36th. Every person belonging to the Indian Navy who shall be guilty of Manslaughter, or any other offence against the person, or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever,

whomsoever, not being an Enemy of Her Majesty or of the East India Company, (and the punishment of which offence is not provided for by the said Act,) shall be liable to Transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence as a Court Martial shall award.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel or dishonest or indecent or malicious or mischievous character, though not particularly specified in the said Act, or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not being of the Rank of an Officer,) shall be guilty of any offence, which the Officer in Command of the Ship or Vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment, (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor General in Council, (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor General in Council, or if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last mentioned case, to any orders made by the Governor General in Council, in case any such orders shall have been so made.

V. The Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any Port of the East Indies, to hold Courts Martial in any such Port as shall be found most expedient and for the good of the East India Company's Service; and such superior Officer, Captain, or Commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed

appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or Vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several Articles and Provisions thereof respectively as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

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Revenue Authorities—Limitation of the period of filing suits against awards of—under Regs. VII. of 1822, IX. of 1825 and IX. of 1833, (See Suits.)	XIII.			
Robbers—Persons belonging to gangs of—how punishable,..	XI.	I.	.....	General.
,, Persons guilty of the offence of belonging to such gangs or of receiving property stolen by them, may be committed by any Magistrate and tried by any Court, ...	,,	II.		
,, Futwas not necessary for trial of offences under this Act,..	,,	III.		
Ryots—Notices or demands prescribed to be served on—by Secs. IX., X., XI. and XIII. of Reg. V. 1812 how to be served, if their usual places of residence are not in the Zillah where their lands to which the notices refer are situated.	VIII.			
S.				
Salt—Customs duty no more leviable upon—Imported into the North-Western Provinces from the other Provinces of the Bengal Presidency, ...	XVI.	II.	.....	Bengal Presidency.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Securities for persons bound to to keep the peace. (See Penal Recognizances.)				
Sentences passed by Subordinate Criminal Courts in the Bengal and Madras Presidencies how to be dealt with by the Superior Courts when they appear unlawful. (See Nizamut Adawlut.)				
Sessions Judges may try persons committed by themselves as Civil Judge, under Clause 2, Sec. XIV. Reg. XVII. of 1817, for Perjury or Subornation of Perjury, ... (See Perjury.)	I.	IV.	.....	Bengal Presidency.
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" (See Straits Settlement.)				
,, (See Coroner's Jury.)				
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,, Certificate to be granted for refund of — on dismissal of suits in Civil Courts on application from parties, ...	XVII.	III.	.....	Madras Presidency.
,, Refund of such duties how to be regulated,.....	,,	IV.		
Straits Settlement—Ports exempted from the operation of Sec. III. Act VI. of 1848. (See Duties.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Straits Settlement — Houses, Shops and other Buildings in the—how to be assessed, ..	IX.	II.		
„ Produce of lands in—to be assessed in what manner, ..	„	III.		
„ Value of net produce of lands how to be ascertained,.....	„	IV.		
„ To facilitate the collection of Assessment, owners and occupiers of lands to be required to furnish to the Collector certain particulars concerning the produce of the lands. Penalty for persons refusing to furnish such particulars, ...	„	V.		
„ Wheeled Carriages, Horses, &c. &c. how to be taxed. Payment how to be enforced in case of default, ...	„	VI.		
„ Collectors of Assessment and Taxes by whom to be appointed, ...	„	VII.		
„ Payment of Assessment how to be enforced in case of default, ...	„	VIII.		
„ Collectors may sue for the recovery of arrears through Courts of Justice, in lieu of proceeding by Warrant of Distress, ...	„	IX.		
„ Parties aggrieved may appeal to the Court of Quarter Sessions, ...	„	X.		
„ Limitation of time for preferring the appeal,.....	„	XI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Straits Settlement—Moneys collected from Assessment and Taxes to be called "Municipal Fund," and the same how to be appropriated, ...	IX.	XII.		
„ The chief Civil Authority of the settlement may appoint a Municipal Committee from among the resident rate-payers for the management of the "Municipal Fund,".....	„	XIII.		
„ The Committee may make Rules and Regulations for carrying out the objects specified in Secs. XII. and XIII.,.....	„	XIV.		
„ Collector shall annually publish a statement of the receipts and disbursements, ...	„	XV.		
„ Owners of wheeled carriages, let to hire, required to enter such carriages in a register to be kept at the Police Office. Penalty for non-entry, ...	„	XVI.		
„ Penalty for not placing a numbered board on the carriages as required,.....	„	XVII.		
„ Quarter Session and Police fees, fines, &c. &c. to be paid into the Municipal Fund,....	„	XVIII.		
„ Assessments not to be affected by mistake in the names of persons or things or amounts.	„	XIX.		
„ Exemptions.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Straits Settlement—Coroner's Jury in—(See Coroner's Jury.)				
Subordinate Criminal Courts—Revision of the sentences of—(See Nizamut Adawlut.)				
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Supreme Court may issue Commissions to persons for taking Affidavits and Solemn Affirmations in causes pending before it, ...	XIV.	I.	.....	Calcutta.
„ Such Affidavits to be deemed as if taken in Court, ...	„	II.		
„ Penalty for making false Affidavits or Solemn Affirmations, ...	„	III.		
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Surat—Administration of the Estate of the late Nuwab of—(See Nuwab.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
T.				
Tax—(See Straits Settlements.)				
Tenasserim Provinces—Ports in the—exempted from the operation of Sec. III. of Act VI. of 1848—(See Duties.)				
Thieves—Gangs of—(See Robbers.)				
"Thug"—"Thuggee"—"Murder by Thuggee"—meaning of—as used in Acts, ...	III.		.....	General.
W.				
Wagers declared null and void, and Suits respecting wagers not to be allowed in any Court,	XXI.	I.	.....	General.
„ Courts established by Royal Charter instead of directing an issue to be tried on a feigned Wager may examine witnesses orally in open Court,	„	II.		

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